United Nations T/PV.1705

Trusteeship Council

Sixty-first Session

Provisional

1705th Meeting

Wednesday, 25 May 1994, 10.30 a.m.

New York

President: Mr. Legal ..... (France)

The meeting was called to order at 10.50 a.m.

Agenda of the sixty-first session of the Trusteeship Council

The President *(interpretation from French)*: I should like to draw the attention of members of the Council to the revised agenda, which has just been distributed in document T/1979/Rev.1.

Examination of the annual report of the Administering Authority for the year ended 30 September 1993: Trust Territory of the Pacific Islands *(continued)*

The President: As agreed at our last meeting, I shall begin by calling on the representatives of the Administering Authority to make their final statements.

Mr. Kovar (United States of America): As we approach the end of this session of the Trusteeship Council, I would like to begin my closing remarks by reaffirming that the Administering Authority has discharged its obligations under the Trusteeship Agreement for the Trust Territory of the Pacific Islands and has, therefore, properly prepared Palau to take its place among the nations of the world.

The time has come. Palau has demonstrated competence in the administrative, legislative and judicial functions of self-government. Palau has a sound economy, substantial resources and a significant potential for economic growth. The people of Palau freely exercised their right to self-determination in the recent plebiscite that approved the Compact of Free Association with the United States.

We appreciate the support for early implementation of the Compact of Free Association expressed by the other members of this Council during the general debate yesterday. As stated by both my Government and the Government of Palau, we plan to implement the Compact as soon as all the domestic legal requirements are met. The primary remaining requirement is that the results of the plebiscite be free of legal challenge in Palau.

We discussed at some length yesterday the status of the two existing court cases in Palau and the United States and the likelihood of their early resolution. We think our target date of 1 October 1994 for entry into force of the Compact is realistic at this point. Upon entry into force of the Compact the United States intends to seek final Security Council action consistent with that Council's authority over strategic areas under the United Nations Charter.

With that in mind, we believe that the important next step will be the adoption by this Council of a resolution stating that it is appropriate for the Trusteeship Agreement to be terminated upon entry into force of the Compact of Free Association. My delegation will be pleased to introduce a draft resolution to that effect. With the adoption of that draft resolution, this Council will have finished an important chapter in its history.

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This record contains the original text of speeches delivered in English and interpretations of speeches delivered in the other languages. Corrections should be submitted to original speeches only. They should be incorporated in a copy of the record and be sent under the signature of a member of the delegation concerned, *within one week of the date of publication*, to the Chief of the Verbatim Reporting Section, room C-178. Corrections will be issued after the end of the session in a consolidated corrigendum.

My delegation has co-sponsored and strongly supports the draft resolution that will be introduced amending the rules of procedure to suspend the activities of this Council until it is needed again in the future. We see this as a creative and appropriate way to respond to this new environment for the Council, as well as to reduce or eliminate expenditures by the United Nations for its activities.

At the same time, however, even as we take this step, I think it is fitting to remember, and to reflect briefly on, the important contributions of the Council in the immediate post-war period and in recent years as the last Trusteeship Territories have exercised their right to self-determination.

The President *(interpretation from French)*: I now call on the President of Palau, The Honourable Kuniwo Nakamura.

The Honourable Mr. Nakamura (Special Representative): On behalf of the people and the Government of Palau I want to express my appreciation to the Council for the opportunity to participate in this sixty-first session of the Trusteeship Council and for the hospitality accorded to Palau's delegation.

I wish to thank you, Mr. President, for your leadership of this session of the Council. We look forward to working with you, the Vice-President and all its members as we take the final steps to sovereignty. The work of this session has been very positive and we thank all the members for that.

As we approach the end of this session, I want to speak to two points.

First, the people of Palau are fully committed to the protection of our unique environment. As a sovereign nation, we will do so with our own laws and procedures, and the leadership of Palau is committed to this. Furthermore, the Compact of Free Association requires it. It is time for us to assume responsibility for the protection of our own environment for ourselves and for our future generations.

It is also time for Palau to enter the international arena. In doing so, we, like all other nations, ultimately depend on the good faith of those nations with which we sign treaties or reach agreements and from which we receive assurances. The Compact, along with related agreements and assurances, requires the United States to defend Palau, to limit military activities in Palau and to respect Palau's fragile environment and land.

Secondly, I want to emphasize again to the Council that Palau is ready to become sovereign and that this is the overwhelming and free decision of the people of Palau. We are deciding our own destiny.

There are challenges still to be met. But, with the assistance of the United States under the Compact and of other nations, we will meet them. Some may be concerned about the unknowns related to a new independent status. But we face unknowns in every aspect of our lives and we would face them in whatever course we chose for Palau.

More important is what we know with certainty. We know that we in Palau are fortunate: we have a growing economy, good government, beautiful lands and seas and valuable resources - and, most importantly, we have democracy and the people of Palau. Democracy is the foundation and the key ingredient on which a strong nation is built. Under the Trusteeship and with the United States, we have nurtured our democracy in Palau over many years and through troubled waters. Now, our democracy and our people will serve as our nation's foundation and sustain us as we meet the unknown challenges of the future.

We have made our own decision and we are ready to embark on the journey of independence with confidence.

Therefore, assuming the legal requirements are met, I hope that the Council will make 1 October of this year the day on which we finally start this journey of independence. For the fact that we are this far along, I again thank the United Nations, the members of this body and, in particular, the Administering Authority - the United States of America. We will continue to seek members' guidance and support.

Finally, as I walked into this building this morning I thought of my fellow citizens in Palau, about what has been accomplished and where we are about to go. It is a new path for us, but it is the right one. I also realized that the next time representatives of Palau come into this great building, they will be representing a sovereign nation and a Member of the United Nations.

The President *(interpretation from French)*: I thank President Nakamura of Palau for his statement. On behalf of the Council I also wish to thank him and the representatives of the Administering Authority for coming from the Trust Territory to take part in the Council's deliberations and for the very useful information and the most encouraging message they have presented. I

especially thank President Nakamura for his kind words addressed to me and for his much-appreciated gift, which is testimony to the creative traditions of his country.

The Council has thus concluded its consideration of this agenda item.

Adoption of the report of the Trusteeship Council to the Security Council (Security Council resolution 70 (1949): report of the Drafting Committee (T/L.1293))

The President *(interpretation from French):* The Council will now turn to consideration of the draft report of the Drafting Committee on the situation in the Trust Territory of the Pacific Islands, which is contained in document T/L.1293. I call on the representative of the United Kingdom to introduce the draft report.

Mr. Arkwright (United Kingdom): As Chairman of the Drafting Committee on the report of the Trusteeship Council to the Security Council, I welcome this opportunity to introduce our report.

We met yesterday, 24 May, to discuss the draft, and I am happy to say that we were all agreed on its form and content and that all four members of the Drafting Committee - I, as Chairman, and the representatives of China, France and the Russian Federation - have sponsored the draft before the Council, contained in document T/L.1293.

I should perhaps take the opportunity to point out a few of the points in the draft which we believe to be important. First, of course, I should like to mention the welcome the Trusteeship Council gives to the results of the plebiscite and our heartfelt congratulations to the people of Palau. We are delighted to see such a strong and distinguished delegation here at the meeting today. We should also like to express our deep appreciation to the Visiting Mission to Observe the Plebiscite in Palau and, in particular, to its Chairman, Ambassador Alain Pallu de Beaupuy.

Our report notes with satisfaction that further progress has been made in the economic, social and educational fields. In particular, we welcome the draft five-year plan by the Ministry of Health, in collaboration with the World Health Organization, and the opening of the Palau National Hospital. The Council looks forward also to the early completion of the National Master Development Plan, financed jointly by the Administering Authority and the United Nations Development Programme. We are particularly pleased that the Government of Palau is putting great emphasis on the need to protect the environment, and, indeed, this is reflected in our report.

I conclude by commending this report to you, Mr. President, and to the other members of the Trusteeship Council.

The President *(interpretation from French):* It is my understanding that the members of the Council are prepared to waive rule 57 of the rules of procedure of the Trusteeship Council, which specifies that draft reports and draft resolutions should be circulated to the members 24 hours in advance of the meeting at which they are to be considered.

It was so decided.

The President *(interpretation from French):* If there are no comments may take it that the Council decides to adopt the draft conclusions and recommendations in the annex to the report (T/L.1293) of the Drafting Committee without a vote?

It was so decided.

The President *(interpretation from French):* The draft conclusions and recommendations we have just adopted will constitute the second part of our report to the Security Council. In accordance with customary practice, the first part of the report will consist of an overview of our deliberations.

Attainment of self-government or independence by the Trust Territories (Trusteeship Council resolution 1369 (XVII) and General Assembly resolution 1413 (XIV): draft resolution (T/L.1291)) *(continued)*

The President *(interpretation from French):* As agreed by members of the Council at our last meeting, the Council will now resume consideration of this agenda item and of the draft resolution contained in document T/L.1291, which members of the Council have before them.

Members will recall that at that meeting we decided to take a decision today on this agenda item.

I propose that the Council decide to draw the attention of the Security Council to the recommendations adopted by the Trusteeship Council at its sixty-first session concerning the attainment, in accordance with the relevant provisions of the Charter and, in particular, Article 83, of self-government or independence by the

Trust Territory, and to the statements made by members of the Council on that question.

It was so decided.

The President *(interpretation from French):* I now call on the representative of the United States of America to introduce the draft resolution contained in document T/L.1291.

Mr. Wallace (United States of America): It is a pleasure for us to introduce this draft resolution, which has been sponsored by all the members of the Trusteeship Council.

The draft resolution echoes a similar resolution adopted by this Council in 1986, at the time of independence, and the termination of the Trusteeship Agreement, for the three other Territories of the Trust Territory of the Pacific Islands.

The draft resolution notes that the people of Palau have freely exercised their right to self-determination in a plebiscite that was observed by the Council's Visiting Mission and that they have chosen free association with the United States. It requests the United States and Palau to agree on a date to bring the Compact of Free Association into effect, with the date envisaged being 1 October 1994, and to inform the Secretary-General of that date. It considers that the Administering Authority, the United States, has satisfactorily discharged its obligations under the terms of the Trusteeship Agreement and that it is now appropriate for that Agreement to be terminated, with effect from the date agreed to by the United States and Palau. Finally, it requests the Secretary-General to circulate, as official documents, this resolution and all the material received from the Administering Authority pursuant to it.

This is substantially the same resolution as was used in 1986 for termination of the Trusteeship Agreement for the other Territories. We propose that it will lay the groundwork again for termination of the last part of the Trusteeship Agreement.

The President *(interpretation from French):* It is my understanding that the members of the Council are prepared to waive rule 57 of the rules of procedure of the Trusteeship Council, which specifies that draft reports and draft resolutions should be circulated to the members 24 hours in advance of the meeting at which they are to be considered.

It was so decided.

The President *(interpretation from French):* If there are no comments, may I take it that the Council decides to adopt the draft resolution without a vote?

The draft resolution was adopted.

Amendment of the rules of procedure of the Trusteeship Council (draft resolution T/L.1292)

The President *(interpretation from French):* I should like to draw the attention of the Council to the draft resolution contained in document T/L.1292.

I call on the representative of France to introduce the draft resolution.

Mr. Foucher (France) *(interpretation from French):* The Trusteeship Council has before it a draft resolution whose goal is to amend the rules of procedure of this United Nations body, to take account of the decrease in activity which will result from Palau's coming accession to independence. Indeed, if this happens, as President Nakamura convincingly emphasized, the Trusteeship Council will on 1 October no longer have any item on its agenda, and it will therefore no longer need to meet regularly.

However, the Trusteeship Council will continue to exist, to have a President, a Vice-President and rules of procedure. It can be convened normally if circumstances demand. These changes in the Council's rules of procedure are therefore not tantamount to eliminating the institution. Rather, this technical change should be seen as showing that the Trusteeship Council has fully carried out the mission entrusted to it by the Charter in 1945.

My delegation therefore proposes that the Council adopt these amendments to the rules of procedure as a final compliment, rather than as the sunset before a dark night.

The President *(interpretation from French):* It is my understanding that the members of the Council are prepared to waive rule 57 of the rules of procedure of the Trusteeship Council, which specifies that draft reports and draft resolutions should be circulated to the members 24 hours in advance of the meeting at which they are to be considered.

It was so decided.

The President *(interpretation from French):* If there are no comments, may I take it that the Council

decides to adopt draft resolution T/L.1292 without a vote?

The draft resolution was adopted.

The President *(interpretation from French):* I understand that the President and Vice-President elected at this session should be regarded as having been elected under the new rules of procedure.

It was so decided.

Suspension of the sixty-first session of the Trusteeship Council

The President *(interpretation from French):* In accordance with the procedure adopted at the Council's previous sessions, we shall now recess and meet in a resumed session to consider the draft report of the Trusteeship Council to the Security Council. Members will be informed of the precise date as soon as possible.

As members are aware, this session's work has not yet been completed, and members will have a further opportunity to speak when the Council resumes its session to finalize its report to the Security Council. As has been our practice in previous years, I shall ask the secretariat to prepare a draft of our report to the Security Council. When completed, this draft report will be distributed to the members of the Trusteeship Council, and I shall hold informal consultations to elicit their views on this issue before the Council resumes in a brief formal session.

Therefore, before suspending the meeting, I should like, speaking in my personal capacity and also on behalf of the Vice-President, Ambassador Gomersall, who has authorized me to do so, to thank all the members of the delegation of Palau, headed by President Nakamura, for having made this trip to be here with us, thus showing their great interest in the work of the Trusteeship Council. The importance of their contribution to our debate, the professionalism, level-headedness and spirit of responsibility and cooperation that they have shown augur well for the future of the Territory. I hope we will have the pleasure very soon of seeing Palau again represented here with us in the United Nations in another capacity. I am confident that the representatives of Palau will also have felt during the course of these two meetings that they benefit from the full encouragement and confidence of members of the Trusteeship Council and of the international community as they prepare for the tasks awaiting them.

I should also like to thank the representatives of the Administering Authority for the quality of their contribution to our debates, which attests to the selflessness and professionalism with which the United States of America has discharged the mandate entrusted to it, a mandate which should therefore very soon end. We all hope so.

At this session of the Trusteeship Council we have also done important work at the institutional level by amending the Council's rules of procedure to end the obligation to hold annual meetings, with the resulting costs for the Organization and Member States, without, however, committing ourselves to the onerous and useless - indeed, dangerous - exercise of rewriting the United Nations Charter.

The Trusteeship Council will continue to exist; we are therefore not placing any risky bets on the future. But it will continue as a "virtual" body, commemorating a noble task well accomplished by the United Nations and meeting only when necessary, which I hope will not happen.

I should like to conclude by thanking all delegations for the courtesy, cooperation and patience that they have demonstrated throughout our debates during the first part of the session.

On behalf of the members of the Council and in my personal capacity, I should like also to thank the representatives of the specialized agencies who have assisted us in our work, as well as the members of the secretariat, whose experience and wisdom, gained over years when the conduct of our debates was perhaps more complicated than it is now, have made our task easy and pleasant.

I should also like to express my thanks to the interpreters, the press officers, the conference and documents officers and the verbatim reporters and revisers who have worked with the care and professionalism without which our work would be futile. We are indeed indebted to them.

I declare the sixty-first session of the Council suspended.

The meeting rose at 11.20 a.m.